

EXHIBIT B

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THE NEW YORK TIMES COMPANY	:	
	:	
Plaintiff,	:	
	:	No. 3:23-CV-11195-SHS
-against-	:	
	:	
MICROSOFT CORPORATION, <i>et al.</i> ,	:	
	:	
Defendants.	:	
-----	X	

OPENAI OpCo, L.L.C's FIRST SET OF RFPs TO PLAINTIFF
No. 3:23-cv-11195

6. If production of any requested Document(s) is objected to on the grounds that production is unduly burdensome, describe the burden or expense of the proposed discovery.

7. These Requests are continuing in nature. If You receive or otherwise become aware of information responsive to any Request after You have served Your responses to these Requests, You must promptly supplement Your responses to these Requests to provide such information, as required by Federal Rule of Civil Procedure 26.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

All Documents and Communications relating to the alleged reproduction, public display, or distribution of Your Asserted Works via GPT Services.

REQUEST FOR PRODUCTION NO. 2:

All Documents and Communications regarding any attempt by You, including failed attempts, to reproduce any of Your Published Works via GPT Services.

REQUEST FOR PRODUCTION NO. 3:

All Documents and Communications relating to any outputs of GPT Services that allegedly summarize, quote, or otherwise reference Your Asserted Works.

REQUEST FOR PRODUCTION NO. 4:

All Documents and Communications relating to the alleged reproduction, public display, or distribution of Your Asserted Works via Generative AI services other than GPT Services.

REQUEST FOR PRODUCTION NO. 5:

All Documents and Communications relating to any attempt by You, including failed attempts, to reproduce any of Your Published Works via Generative AI services other than GPT Services.

REQUEST FOR PRODUCTION NO. 6:

All Documents and Communications relating to any outputs of via Generative AI services other than GPT Services that allegedly summarize, quote, or otherwise reference Your Asserted Works.

REQUEST FOR PRODUCTION NO. 7:

Documents sufficient to show each of the OpenAI accounts You or Your Agents have created or used, including without limitation Documents sufficient to show the full name associated with the account(s), the username(s) for the account(s), email address(es) associated with the account(s), the organization ID and name associated with the account(s), and date of registration or activation for the account(s).

REQUEST FOR PRODUCTION NO. 8:

All Documents and Communications relating to any allegations that any of Your Asserted Works infringe any third-party rights.

REQUEST FOR PRODUCTION NO. 9:

All Documents and Communications relating to any complaints by any Person regarding alleged plagiarism in Your Asserted Works.

REQUEST FOR PRODUCTION NO. 10:

Documents sufficient to identify the expressive, original, and human-authored content of each of Your Asserted Works.

REQUEST FOR PRODUCTION NO. 11:

Documents sufficient to identify the non-expressive, non-original, or non-human-authored content of each of Your Asserted Works.

REQUEST FOR PRODUCTION NO. 12:

print or on the Internet, regardless of whether the arrangement or agreement was commercial or non-commercial.

REQUEST FOR PRODUCTION NO. 19:

All Documents and Communications relating to Your investigation of the claims alleged in the Complaint.

REQUEST FOR PRODUCTION NO. 20:

All Documents and Communications relating to the creation of Exhibit J of the Complaint, including but not limited to Documents and Communications with any third party or Agent.

REQUEST FOR PRODUCTION NO. 21:

Documents sufficient to show each of the OpenAI accounts created or used by any Person who participated in or was aware of Your use of GPT Services to generate any of the outputs cited in or referred to in the Complaint.

REQUEST FOR PRODUCTION NO. 22:

Documents sufficient to show each of the prompts You have entered into GPT Services, including without limitation Documents sufficient to show any system prompts used, the parameters used in connection with each prompt (including, but not limited to, temperature, model, maximum length, stop sequences, top p, frequency penalty, presence penalty), the date and time on which that prompt was entered, the user account used, and each resulting output.

REQUEST FOR PRODUCTION NO. 23:

Documents sufficient to show the process for obtaining each GPT Services output cited or referred to in the Complaint, including without limitation the full chat log, the prompts used, any system prompts used, the parameters used in connection with each prompt (including, but

not limited to, temperature, model, maximum length, stop sequences, top p, frequency penalty, and presence penalty), each and every output generated by GPT Services as a result of each prompt and parameter combination, the time and date of those queries, and the user account.

REQUEST FOR PRODUCTION NO. 24:

All Documents and Communications between You and other news, media, or writers' organizations and publishers, as well as any other named plaintiff in *Tremblay v. OpenAI, Inc.*, No. 3:23-cv-03223 and *Silverman v. OpenAI, Inc.*, No. 3:23-cv-03416 in the Northern District of California, and *Authors Guild v. OpenAI Inc.*, No. 1:23-cv-08292, *Alter v. OpenAI Inc.*, No. 1:23-cv-10211, *Basbanes v. Microsoft*, No. 1:24-cv-00084, *The Intercept Media, Inc. v. OpenAI, Inc.*, No. 1:24-cv-01515, and *Raw Story Media, Inc. v. OpenAI, Inc.*, No. 1:24-cv-01514 in the Southern District of New York, directly or through any Employee, Agent, or third party, related to copyright and artificial intelligence.

REQUEST FOR PRODUCTION NO. 25:

All Documents and Communications between You and other news, media, or writers' organizations and publishers, directly or through any Employee, Agent, or third party, relating to decisions about whether to license works to OpenAI for purposes of training ChatGPT.

REQUEST FOR PRODUCTION NO. 26:

All Documents and Communications relating to any injury or harm You claim to have suffered as a result of the conduct alleged in the Complaint.

REQUEST FOR PRODUCTION NO. 27:

Documents sufficient to show Your total revenue, broken down by source, including without limitation advertising revenue, revenue from affiliate links, subscription revenue by

Dated: March 8, 2024

LATHAM & WATKINS LLP

By: 

LATHAM & WATKINS LLP
Joseph R. Wetzel
joseph.wetzel@lw.com
Andrew M. Gass (*pro hac vice*)
andrew.gass@lw.com
505 Montgomery Street, Suite 2000
San Francisco, CA 94111
Telephone: 415.391.0600

Sarang V. Damle
sy.damle@lw.com
555 Eleventh Street, NW, Suite 1000
Washington, D.C. 20004
Telephone: 202.637.2200

Allison L. Stillman
alli.stillman@lw.com
1271 Avenue of the Americas
New York, NY 10020
Telephone: 212.751.4864

*Attorneys for Defendants OpenAI, Inc.,
OpenAI LP, OpenAI GP, LLC, OpenAI,
LLC, OpenAI Opco L.L.C., OpenAI Global
LLC, OAI Corporation, LLC, and OpenAI
Holdings, LLC.*

Dated: March 8, 2024

MORRISON & FOERSTER LLP

By: _____


Joseph C. Gratz (*pro hac vice*)

JGratz@mofo.com

Vera Ranieri (*pro hac vice*)

VRanieri@mofo.com

425 Market Street

San Francisco, CA 94105-2482

Telephone: 415.268.7000

Allyson R. Bennett (*pro hac vice*)

ABennett@mofo.com

Rose S. Lee (*pro hac vice*)

RoseLee@mofo.com

707 Wilshire Boulevard

Los Angeles, California 90017-3543

Telephone: (213) 892-5200

*Attorney for Defendants OpenAI, Inc.,
OpenAI LP, OpenAI GP, LLC, OpenAI,
LLC, OpenAI Opco L.L.C., OpenAI Global
LLC, OAI Corporation, LLC, and OpenAI
Holdings, LLC.*

CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2024, a copy of the foregoing **DEFENDANT OPENAI OPCO, LLC'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS (NOS. 1-61)** was served by E-mail upon the following:

Ian Crosby (*pro hac vice*)
Genevieve Vose Wallace (*pro hac vice*)
Katherine M. Peaslee (*pro hac vice*)
SUSMAN GODFREY L.L.P.
401 Union Street, Suite 3000
Seattle, WA 98101
Telephone: (206) 516-3880
Facsimile: (206) 516-3883

Davida Brook (*pro hac vice*)
Emily K. Cronin (*pro hac vice*)
Ellie Dupler (*pro hac vice*)
SUSMAN GODFREY L.L.P.
1900 Ave of the Stars, Suite 1400
Los Angeles, CA 90067
Telephone: (310) 789-3100
Facsimile: (310) 789-3150

Scarlett Collings (*Admission pending*)
SUSMAN GODFREY L.L.P.
1000 Louisiana, Suite 5100
Houston, TX 77002
Telephone: (713) 651-9366
Facsimile (713) 654-6666

NYT-AI-SG-Service@simplelists.susmangodfrey.com

Elisha Barron (5036850)
Zachary B. Savage (ZS2668)
Tamar Lusztiig (5125174)
Alexander Frawley (5564539)
Eudokia Spanos (5021381)
SUSMAN GODFREY L.L.P.
1301 Avenue of the Americas, 32nd Floor
New York, NY 10019
Telephone: (212) 336-8330
Facsimile: (212) 336-8340

Steven Lieberman (SL8687)
Jennifer B. Maisel (5096995)
Kristen J. Logan (*pro hac vice*)
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
901 New York Avenue, N.W., Suite 900 East
Washington, DC 20001
Telephone: (202) 783-6040
Facsimile: (202) 783-6031

Attorneys for Plaintiff

Annette L. Hurst
**ORRICK, HERRINGTON &
SUTCLIFF LLP**
The Orrick Building
405 Howard Street
San Francisco, CA 94105
Phone: (415) 773-5700

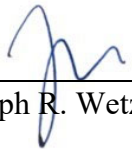
Jeffrey S. Jacobson
**FAEGRE DRINKER BIDDLE &
REATH**
1177 Avenue of the Americas
New York, NY 10036
Telephone: (212) 248-3191
jeffrey.jacobson@faegredrinker.com

NewYorkTimes_Microsoft_OHS@orrick.com

Christopher J. Cariello
**ORRICK, HERRINGTON & SUTCLIFF
LLP**
51 West 2nd Street
New York, NY 10019
Telephone: (212) 506-5000

Jared B. Briant
FAEGRE DRINKER BIDDLE & REATH
1144 15th Street, Suite 3400
Denver, CO 80202
Telephone: (303) 607-3588
jared.briant@faegredrinker.com

Attorneys for Defendant Microsoft Corporation



Joseph R. Wetzel